

REMARKS

The Office Action dated December 24, 2008, has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

By this Response, claim 22 has been amended to more particularly point out and distinctly claim the subject matter of the present invention. Claims 24-27 have been added. No new matter has been added. Support for the above amendments is provided in the Specification, at least, on page 10, lines 8-28. Accordingly, claims 1-10, 16, 18-20, and 22-27 are currently pending in the application, of which claims 1, 6, 16, 18, and 22-24 are independent claims.

In view of the above amendments and the following remarks, Applicants respectfully request reconsideration and timely withdrawal of the pending rejections to the claims for the reasons discussed below.

Claim Rejections under 35 U.S.C. §103(a)

Claims 1-4, 6-9, 16, 18-19, and 22-23

The Office Action rejected claims 1-4, 6-9, 16, 18-19, and 22-23 under 35 U.S.C. §103(a) as being allegedly unpatentable over Dispensa, *et al.* (U.S. Patent No. 6,636,501) (“Dispensa”) in view of Chen (U.S. Patent No. 6,392,997). Applicants respectfully submit that the claims recite subject matter that is neither disclosed nor suggested in the combination of Dispensa and Chen.

Claim 1, upon which claims 2-5 depend, recites an apparatus. The apparatus includes a memory configured to store a pre-defined list of rules for detecting special data packets, and a detector configured to detect special data packets in a received plurality of data packets based on the pre-defined list of rules stored in the memory. The apparatus further includes a router configured to request instructions for the special data packets detected by the detector and route the special data packets in accordance with instructions received on request, and an internal entity configured to store instructions for the special data packets. The router is configured to notify the internal entity of the detected special data packets and request instructions for the special data packets from the internal entity. A gateway node is configured to determine and update the instructions stored in the internal entity during active operations. The gateway node is connectable to at least one further router located outside the apparatus.

Claim 6, upon which claims 7-10 depend, recites a method. The method includes storing a pre-defined list of rules for detecting special data packets, and detecting special data packets in a received plurality of data packets based on the stored pre-defined list of rules. The method further includes requesting instructions for the detected special data packets and routing the special data packets in a data network in accordance with instructions received on request, and notifying an internal entity of the detected special data packets and requesting instructions for the special data packets from the internal entity when requesting the instructions for the detected special data packets. The instructions stored in the internal entity are determined and updated by a gateway node during active operations.

The method is used in an apparatus, and the gateway node is connectable to at least one further router located outside the apparatus.

Claim 16, upon which claims depend, recites an apparatus. The apparatus includes storing means for storing a pre-defined list of rules for detecting special data packets, and detecting means for detecting special data packets in a received plurality of data packets based on the pre-defined list of rules stored in the storing means. The apparatus further includes routing means for requesting instructions for the special data packets detected by the detecting means and route the special data packets in accordance with instructions received on request, and internal entity means for storing instructions for the special data packets. The routing means includes notifying means for notifying the internal entity of the detected special data packets and request instructions for the special data packets from the internal entity. A gateway node includes means for determining and means for updating the instructions stored in the internal entity during active operations. The gateway node is connectable to at least one further routing means located outside the apparatus.

Claim 18, upon which claims 19-20 depend, recites an apparatus. The apparatus includes a router configured to request instructions for special data packets detected by a detector and route the special data packets in accordance with instructions received on request. The router is configured to notify an internal entity of the detected special data packets and request instructions for the special data packets from the internal entity. The router is configured to notify a gateway node of the detected special data packets instead of

the internal entity, and request instructions for the special data packets from the gateway node instead of the internal entity. The gateway node is connectable to at least one further router located outside the apparatus.

Claim 22 recites a computer program implemented on a computer-readable medium. The computer program controls a processor to store a pre-defined list of rules for detecting special data packets, and to detect a special data packets in a received plurality of data packets based on one of the stored pre-defined list of rules. The computer program controls a processor to further request instructions for the detected special data packets, and route the special data packets in a data network in accordance with instructions received upon the request. The computer program controls a processor to further notify an internal entity of the detected special data packets, and request instructions for the special data packets from the internal entity when requesting the instructions for the detected special data packets. The instructions stored in the internal entity are determined and updated by an gateway node during active operations. The computer program is used in an apparatus, and the gateway node is connectable to at least one further router located outside the apparatus.

Claim 23 recites an apparatus. The apparatus includes routing means for requesting instructions for special data packets detected by a detecting means and routing the special data packets in accordance with instructions received on request. The routing means includes notifying means for notifying an internal entity of the detected special data packets and requesting instructions for the special data packets from the internal entity. The

routing means includes notifying means for notifying a gateway node of the detected special data packets instead of the internal entity, and requesting instructions for the special data packets from the gateway node instead of the internal entity. The gateway node is connectable to at least one further routing means located outside the apparatus.

As will be discussed below, the combination of Dispensa and Chen would fail to disclose or suggest each and every element recited in claims 1-4, 6-9, 16, 18-19, and 22-23, and therefore fails to provide the features discussed above.

Dispensa is directed to a communication system speeding up digital traffic between nodes. The traffic is organized into data frames flowing over network high and low speed links attached to entry and exit ports of the nodes. Low speed modules connect the low speed links to a high speed switch. Router dispatch modules connect the high speed switch to a node attached to a high speed link for forwarding each data frame toward a dynamically selected target low speed module via the high speed switch, such that the dynamic selection of the target low speed module is based on detection of the module with the least load. At least one main router is attached to the high speed switch for storing a routing table to enable the targeted low speed module to orient one of the frames toward a right node exit port (Dispensa, col. 3, line 31, to col. 4, line 10).

Chen is directed to a technique for group-based routing that allows limited per neighbor customization of routing update messages generated by an interdomain router for its neighboring peer routers within autonomous systems of a computer network. The technique may be employed when the neighboring peer routers share identical routing

policies, but the routing update messages differ only in certain attributes with known locations and lengths (Chen, col. 2, line 63, to col. 3, line 45).

Assuming *arguendo* that the description in Dispensa could be combined with the description in Chen, the combination would fail to disclose or suggest each and every element recited in claims 1, 6, 16, 18, and 22-23. In particular, the combination of Dispensa and Chen would fail to disclose or suggest, at least, “wherein a gateway node is configured to determine and update the instructions stored in said internal entity during active operations, wherein the gateway node is connectable to at least one further router located outside said apparatus,” as recited in claim 1, and similarly recited in claims 6, 16, 18, and 22-23.

The Office Action cited main router module 22 of Dispensa, as described at column 5, line 62, to column 6, line 7, and at column 8, lines 57-63, and as illustrated in Figures 2 and 6, to allege that Dispensa discloses the gateway node as recited in the pending claims. The Office Action, however, acknowledged that Dispensa fails to disclose or suggest that the gateway node “is connectable to at least one further router located outside said apparatus,” as recited in claims 1, 6, 16, 18, and 22-23 (See Office Action at pages 2-3). The Office Action alleged that Chen cures the deficiencies of Dispensa, citing an *interdomain* router 200, as described at column 4, lines 14-31, and at column 6, line 35, to column 7, line 14, and as illustrated in Figure 1 of Chen. However, a review of these passages of Chen in relation to the entirety of the description in Chen demonstrates that Chen fails to cure the deficiencies of Dispensa.

As previously discussed above, Chen is directed to routing updates. In particular, Chen describes routing update messages for a border gateway protocol. The routing update messages are exchanged using an *interdomain* router 200 (*See* Chen, at least, at col. 4, lines 14-21, and at col. 5, lines 20-35). For example, as illustrated in Figure 1, proposed updating routing instructions are exchanged among *interdomain* router 200. However, Chen fails to mention that *interdomain* router 200 updates routing instructions for an internal entity, *e.g.*, *intradomain* router 120.

Furthermore, contrary to the Office Action's allegations, Chen fails to mention that the router requests instructions from another router. Rather, Chen describes "the routers further exchange routing information using routing update messages 400 when their routing tables change" (*See* Chen, at col. 5, lines 31-33).

Accordingly, the description of the *interdomain* 200, as cited by the Office Action, in Chen fails to show any interaction between the router and a gateway node as recited in the claims. Therefore, Chen fails to disclose or suggest, at least, "wherein a gateway node is configured to determine and update the instructions stored in said internal entity during active operations, wherein the gateway node is connectable to at least one further router located outside said apparatus," as recited in claim 1, and similarly recited in claims 6, 16, 18, and 22-23.

Accordingly, the combination of Dispensa and Chen would fail to disclose or suggest each and every element recited in claims 1, 6, 16, 18, and 22-23.

Claims 2-4 depend from claim 1. Claims 7-9 depend from claim 6. Claim 19 depends from claim 18. Accordingly, claims 2-4, 7-9, and 19 should be allowable for at least their dependency upon an allowable base claim, and for the specific limitations recited therein.

Therefore, Applicants respectfully request withdrawal of the rejections of claims 1-4, 6-9, 16, 18-19, and 22-23 under 35 U.S.C. §103(a) and respectfully submit that claims 1, 6, 16, 18, and 22-23, and the claims that depend therefrom, are in condition for allowance.

Claims 5, 10, and 20

The Office Action rejected claims 5, 10, and 20 under 35 U.S.C. §103(a) as being allegedly unpatentable over Dispensa in view of Chen, and further in view of Mori (U.S. Patent No. 5,751,799). Applicants respectfully submit that the claims recite subject matter that is neither disclosed nor suggested in the combination of Dispensa, Chen and Mori.

Dispensa and Chen were discussed above. Mori is directed to a method and device for performing a charging operation during data communication in a data switching network such as a public packet exchange, a public frame relay switching network, or an ATM switching network. A charge rate is graduated in accordance with a data transmission delay time or an equipment use when an alternate route is formed because of a certain state or an equipment failure in a network (Mori, Abstract).

As previously noted above, the combination of Dispensa and Chen would fail to disclose or suggest each and every element recited in claims 1, 6, and 18. Mori fails to cure the deficiencies of Dispensa and Chen. In particular, Mori fails to disclose or suggest, at least, “wherein a gateway node is configured to determine and update the instructions stored in said internal entity during active operations, wherein the gateway node is connectable to at least one further router located outside said apparatus,” as recited in claims 1, 6, and 18.

Claims 5, 10, and 20 depend from claims 1, 6, and 18, respectively. Accordingly, claims 5, 10, and 20 should be allowable for at least their dependency upon an allowable base claim, and for the specific limitations recited therein.

Therefore, Applicants respectfully request withdrawal of the rejections of claims 5, 10, and 20 under 35 U.S.C. §103(a), and respectfully submit that claims 1, 6, and 18, and the claims that depend therefrom, are in condition for allowance.

New Claims 24-27

New claims 24-27 each have their own claim scope, but also contain similar limitations to claim 1. Accordingly, assuming *arguendo* that the description of Dispensa could be combined with the descriptions of Chen and Mori, the combination of Dispensa, Chen, and Mori would fail to disclose or suggest each and every element recited in amended claims 24-27.


CONCLUSION

In conclusion, Applicants respectfully submit that the combination of Dispensa, Chen, and Mori would fail to disclose or suggest each and every element recited in claims 1-10, 16, 18-20, and 22-27. The distinctions previously noted are more than sufficient to render the claimed invention non-obvious. It is therefore respectfully requested that all of claims 1-10, 16, 18-20, and 22-27 be allowed, and the present application be passed to issuance.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, Applicants' undersigned representative at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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Enclosures: Additional Claim Fee Transmittal
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